



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

FILE COPY

IN THE MATTER OF

HOOVER SANDS ROAD SITE)	
SOUTH BERWICK, YORK COUNTY, MAINE)	DESIGNATION OF
PROCEEDING UNDER 38 M.R.S.A.)	UNCONTROLLED
SECTION 1365, UNCONTROLLED)	HAZARDOUS
HAZARDOUS SUBSTANCE SITES)	SUBSTANCE SITE

JURISDICTION

This Designation of an Uncontrolled Hazardous Substance Site is made pursuant to the authority vested in the Commissioner of the State of Maine Department of Environmental Protection (Commissioner) under the Uncontrolled Hazardous Substance Sites Law, 38 M.R.S.A. Sections 1361-1371.

FINDINGS OF FACT

1. The Hooper Sands Road Site (hereinafter sometimes referred to as "Site") consists of an area in the town of South Berwick, York County, Maine, where soil and groundwater are contaminated with a variety of hazardous substances including chlorinated solvents and metals. The Site includes four contiguous parcels of land with frontage on Hooper Sands Road, identified as Lot 4 (53 acres), Lot 4B (4 acres), Lot 40 (80 acres), and Lot 54 (60 acres) depicted on the town of South Berwick Tax Map 13, as well as those areas of soil and groundwater affected by contamination originating on these properties. Lots 4 and 54 are currently owned by Mr. Paul Hussey Sr. of South Berwick, Maine. Lot 4B is currently owned by Mr. Paul Hussey III and Lot 40 is currently owned by Mr. Paul Hussey Jr. of South Berwick, Maine. The Site is depicted on Attachment I which is attached hereto and made a part of this designation.
2. Paul Hussey Sr. owned and operated a commercial waste transportation and disposal business in the 1960s and 1970s. During this time, Lot 4, Lot 40, and Lot 54 were owned by Mr. Paul Hussey Sr. and were used for the storage and disposal of a variety of liquid wastes. Lot 4 included the area now subdivided and identified as Lot 4B.
3. Documents on file at the United States Environmental Protection Agency (US EPA) and at the Department of Environmental Protection (DEP) indicate that Portsmouth Naval Shipyard (PNSY) located in Kittery, Maine contracted with Mr. Hussey for the disposal of waste oil, oil sludge and chemicals in 1970s.
4. During the initial investigation DEP observed drums on site which displayed military markings. PNSY representatives confirmed this observation during a joint inspection on June 12, 1989. At least two of the drums displayed the words "Portsmouth Naval Shipyard" among their markings.

5. Documents on file at DEP may indicate that Mr. Hussey also transported unspecified waste waters from the North Berwick facility of Simplex Wire and Cable Company.
6. In January 1989, the DEP was contacted by a resident of Hooper Sands Road who complained of "gasoline odors" in their residential water system. Subsequent testing confirmed the presence of numerous organic compounds, at varying concentrations, in ten residential wells along Hooper Sands Road. In some cases, the concentration of particular compounds exceeded the Maximum Exposure Guidelines and Maximum Contaminant Levels for drinking water as established by the Maine Department of Human Services.
7. On April 5, 1989 the Commissioner of the Maine Department of Environmental Protection requested assistance from the United States Environmental Protection Agency (US EPA) with the Hooper Sands Road Site. As a result, the US EPA conducted a removal action on the Site from November 1989 to December 1990. Approximately 600 drums were removed from Lot 4 by the Portsmouth Naval Shipyard and the US EPA. Trenches on Lots 4 and 54 were excavated by the US EPA and contaminated soils and liquids were staged on Lot 54 until they were treated or removed.
8. In August 1989, the US EPA notified the US Navy at Portsmouth Naval Shipyard and Paul Hussey Sr. that the EPA had determined that they are potentially responsible parties pursuant to the definition contained in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.
9. On June 19, 1989 and August 30, 1990 the DEP notified Paul Hussey Sr. and the Portsmouth Naval Shipyard, respectively, of Potential Liability with respect to the definition of "Responsible Party" in 38 M.R.S.A. Section 1362.
10. In the spring and summer of 1989, the US EPA sampled and analyzed soil and drum contents from the Site. Laboratory analysis demonstrated the presence of hazardous substances as follows:

SUMMARY OF SUBSTANCES DETECTED IN
55 GALLON DRUMS AT HOOPER SANDS ROAD

<u>Substance</u>	<u>Maximum Concentration PPM</u>	<u>Sample Location</u>	<u>Date</u>
Toluene	310	Lot 4	07/06/89
Ethylbenzene	250	Lot 4	07/06/89
Total Xylenes	1900	Lot 4	07/06/89
Benzene	42	Lot 4	07/06/89
Acetone	44.8	Lot 4	05/24/89
1,1,2 Trichloro-	3300	Lot 4	07/05/89
1,2,2 Trifluoroethane			
Antimony	50	Lot 4	03/16/90

SUMMARY OF SUBSTANCES DETECTED IN
55 GALLON DRUMS AT HOOPER SANDS ROAD
(continued)

<u>Substance</u>	<u>Maximum Concentration PPM</u>	<u>Sample Location</u>	<u>Date</u>
Arsenic	88	Lot 4	03/16/90
Barium	42	Lot 4	03/16/90
Cadmium	2	Lot 4	03/16/90
Total Chromium	1	Lot 4	03/16/90
Copper	3.2	Lot 4	03/16/90
Lead	17.2	Lot 4	03/16/90
Nickel	5.9	Lot 4	03/16/90
Silver	0.4	Lot 4	03/16/90
Zinc	3.3	Lot 4	03/16/90

SUMMARY OF SOIL ANALYSIS
AT HOOPER SANDS ROAD

<u>Substance</u>	<u>Maximum Concentration PPM</u>	<u>Sample Location</u>	<u>Date</u>
Acetone	56.3	Lot 4	11/03/89
Dichlorobenzene	25000	Lot 4	07/06/89
Isomers			
Benzene	6.6	Lot 4	12/05/89
Toluene	8.0	Lot 4	12/05/89
Ethylbenzene	85	Lot 4	07/06/89
Total Xylenes	690	Lot 4	07/06/89
Chlorobenzene	6.8	Lot 4	12/05/89
1,2 Dichlorobenzene	7.1	Lot 4	12/05/89
1,1 Dichloroethene	6.5	Lot 4	12/05/89
Trichloroethene	170	Lot 4	07/06/89
Tetrachloroethene	1.0	Lot 54	07/05/90
1,1,1 Trichloroethane	1.28	Lot 54	07/05/90
Arsenic	23.7	Lot 4	11/03/89
Cadmium	23.7	Lot 4	11/03/89

SUMMARY OF SOIL ANALYSIS
AT HOOPER SANDS ROAD
(continued)

<u>Substance</u>	<u>Maximum Concentration PPM</u>	<u>Sample Location</u>	<u>Date</u>
Chromium	652	Lot 4	11/03/89
Copper	224	Lot 54	11/03/89
Lead	26.8	Lot 54	11/03/89
Nickel	63.3	Lot 4	11/03/89
Selenium	4.83	Lot 4	11/03/89
Silver	3.67	Lot 4	11/03/89
Zinc	260	Lot 54	07/05/90

11. Several contaminants documented in the soils and drums at the Site have also been detected by laboratory analysis in samples obtained in nearby residential wells. These contaminants include:
- Benzene
Toluene
Xylene
Dichlorobenzene
Trichloroethylene
12. The Site is located in a residential area. Local residents rely on private wells for their domestic water, because there are no public water supplies at the present time.
13. The DEP has supplied bottled water and point of entry treatment systems to 12 residences contaminated by chemicals associated with the site. The location of these residences is depicted in Attachment II which is attached hereto and made a part of this designation.
14. On April 12, 1989, the DEP contracted with Weston Geophysical Corporation to conduct a hydrogeological investigation of the site. Results were presented to the DEP in the Summary Report of Stage I Field Investigations submitted on August 24, 1990 and the Summary Report of Stage II Field Investigations submitted December 13, 1991. Maximum concentrations of substances identified in groundwater at the site are presented below:

SUMMARY OF SUBSTANCES DETECTED
IN MONITORING WELLS AT HOOPER SANDS ROAD

<u>Substance</u>	<u>Maximum Concentration PPB</u>	<u>Sample Location</u>	<u>Sample Date</u>	<u>MEG PPB</u>	<u>MCL PPB</u>
Acetone	510	Lot 54	2/91	none	none
	110	Lot 40	2/91		
	36	Lot 4	6/90		
TCE	110	Lot 54	2/91	5	5
	7	Lot 40	6/90		
	8	Lot 4	2/91		
PCE	570	Lot 4	6/90	3	5
1,1 DCA	18	Lot 54	2/91	5	none
MEK	850	Lot 54	2/91	170	none
Toluene	180	Lot 4B	2/91	2000	1000
1,2 DCB (SVOC)	J210	Lot 4	2/91	85	600
2 methyl- phenol(SVOC)	1900	Lot 4	2/91	none	none
4 methyl- phenol(SVOC)	730	Lot 4	2/91	none	none
2,4 DMP (SVOC)	320	Lot 4	2/91	none	none
TBM	470	Lot 4	2/91	none	none
Arsenic	200	Lot 40	6/90	30	50
	2900	Lot 54			
	320	Lot 4			
Beryllium	14	Lot 4	6/90	none	1
Cadmium	24	Lot 54	2/91	5	5
	19	Lot 4			

SUMMARY OF SUBSTANCES DETECTED
IN MONITORING WELLS AT HOOPER SANDS ROAD
(continued)

<u>Substance</u>	<u>Maximum Concentration PPB</u>	<u>Sample Location</u>	<u>Sample Date</u>	<u>MEG PPB</u>	<u>MCL PPB</u>
Chromium	870	Lot 54	2/91	50	100
	290	Lot 40			
	640	Lot 4			
Copper	1400	Lot 54	2/91	none	none
	130	Lot 40			
	1100	Lot 4			
Lead	200	Lot 4	2/91	20	none
	60	Lot 40			
	120	Lot 54			
Nickel	640	Lot 4	2/91	150	150
	120	Lot 40			
	440	Lot 54			
Selenium	800	Lot 54	2/91	10	5
Zinc	3200	Lot 54	2/91	none	none
	240	Lot 40			
	1100	Lot 4			

TCE = trichloroethene

PCE = tetrachloroethene

DCE = dichloroethene

1,1 DCA = 1,1 dichloroethane

MEK = methyl ethyl ketone

1,2 DCB = 1,2 dichlorobenzene

2,4 DMP = 2,4 dimethyl phenol

TBM = thiobismethane

15. The maximum concentrations of contaminants detected in samples of residential water collected at the Site on 9/17/91, compared to Maine Maximum Exposure Guidelines and Maximum Contaminant Levels, are as follows:

SUMMARY OF SUBSTANCES DETECTED
IN RESIDENTIAL WELLS AT HOOPER SANDS ROAD

<u>Substance</u>	<u>Maximum Concentration PPB</u>	<u>Sample Location</u>	<u>Sample Date</u>	<u>MEG PPB</u>	<u>MCL PPB</u>
Methylene Chloride	26	Roy	6/90	48	5
Acetone	44 42	Roy Tetu	2/91 6/90	none	none
1,1 DCE	4.3	Tetu	9/90	7	7
1,1 DCA	65	Roy	9/91	5	none
1,1,1 TCA	1.7	Dumont	9/91	200	200
TCE	87 66 21 19 7.3 3.9 2.3 1.0 trace	Tetu Hilton Roy Lemke Blaisdell Ross McGurren Mrugala Stuart	2/91 9/90 2/89 12/89 3/90 9/90 9/89 3/89 12/91	5	5
Benzene	3.8 2.5 1.0	Roy Lemke Ross	9/90 2/90 6/89	5	5
PCE	3.8 trace	Roy Stuart	9/90 12/91	3	5
Toluene	2.9	Roy	9/90	2000	1000
Ethylbenzene	1.7	Roy	9/90	700	700
Xylenes (Total)	8.9	Roy	9/90	600	10000
Freon 113	820 J380 360 19	Tetu Roy Dumont McGurren	10/89 12/90 3/90 9/89	none	none

SUMMARY OF SUBSTANCES DETECTED
IN RESIDENTIAL WELLS AT HOOPER SANDS ROAD
(continued)

<u>Substance</u>	<u>Maximum Concentration PPB</u>	<u>Sample Location</u>	<u>Sample Date</u>	<u>MEG PPB</u>	<u>MCL PPB</u>
Freon 113	17	Hilton	9/89		
	8.9	Blaisdell	3/90		
	2	Mrugala	3/89		
	1	Harmon	2/89		
	1	Lemke	6/89		
1,2 DCB	6.9	Roy	12/90	85	none
CTFE (non target)	J200	Roy	9/90	none	none
1,2- 1,1,2 DCTFA (non target)	J130	Tetu	2/91	none	none
Arsenic	28	Harmon	6/91	30	50
Copper	400	McGurren	3/91	none	none
Lead	94	McGurren	9/91	20	none
Nickel	3	McGurren	9/91	150	100
Zinc	53	Tetu	3/91	none	none

1,1 DCE = 1,1 Dichloroethene

1,1 DCA = 1,1 Dichloroethane

1,1,1 TCA = 1,1,1 Trichloroethane

TCE = Trichloroethene

PCE = Tetrachloroethene

Freon 113 = 1,1,2 trichloro 1,2,2 trifluoroethane

1,2 DCB = 1,2 Dichlorobenzene

CTFE = Chlorotrifluoroethene

1,2 -1,1,2 DCTFA = 1,2 Dichloro 1,1,2 trifluoroethane

J = Approximate

16. The State of Maine, Department of Human Services, Bureau of Health has established Maximum Exposure Guidelines (MEG) in drinking water for a number of substances. Several of the substances identified in Paragraph 14 and 15 exceed these levels. These include the following:

Maximum Exposure Guideline

Substance	Concentration (ug/l)
Arsenic	30
Cadmium	5
Chromium	50
1,1-Dichloroethane	5
1,4-Dichlorobenzene	85
Lead	20
Methylene chloride	48
Methyl ethyl ketone	170
Nickel	150
Selenium	10
Tetrachloroethylene	3
Trichloroethylene	5

Source: Rules Relating to Testing of Private Water Systems for Potentially Hazardous Contaminants, Appendix C, State of Maine Department of Human Services, Bureau of Health, Environmental Toxicology Program

17. The compounds cited in paragraphs 10, 14 and 15 exhibit the following characteristics: (Note: symptoms and toxic effects cited are due to exposure to pure compounds, not contaminated groundwater containing low levels of these compounds)

A. Benzene

Benzene is flammable and moderately toxic by ingestion, inhalation and skin absorption. Benzene is a known carcinogen causing leukemia in humans. Exposure to very high concentrations can be fatal within minutes.

Benzene is classified as Hazardous Waste #F005 under the Department of Hazardous Waste Management Rules.

B. Toluene

Toluene produces a vapor irritating to the skin and eyes when combined with water. If swallowed, toluene will cause nausea, vomiting, or loss of consciousness. Acute exposure depresses the central nervous system and causes narcosis.

Toluene is classified as Hazardous Waste #F005 under the Department's Hazardous Waste Management Rules.

C. Xylene

Exposure to high levels of xylene affects the central nervous system and irritates mucous membranes.

Xylene is classified as Hazardous Waste #F003 under the Department's Hazardous Waste Management Rules.

D. Ethyl Benzene

Ethyl Benzene is a skin and eye irritant and there is some evidence of adverse reproductive effects in animals.

Ethyl Benzene is classified as Hazardous Waste #F003 under the Department's Hazardous Waste Management Rules.

E. Trichloroethylene (TCE)

TCE is toxic by ingestion or inhalation. Oral administration of TCE is carcinogenic to mice, producing hepatocellular carcinomas. It was found to be mutagenic using several microbial assay systems. Chronic exposure to TCE has caused renal toxicity, hepatotoxicity, neurotoxicity and dermal reactions in animals.

Trichloroethylene is classified as Hazardous Waste #F001 under the Department's Hazardous Waste Management Rules.

F. Tetrachloroethylene (PERC, PCE)

PERC is an irritant to the eyes and skin. PERC induced liver tumors when administered orally to mice and was found to be mutagenic using a microbial assay system. Animals exposed by inhalation to PERC exhibited liver, kidney and central nervous system damage.

Tetrachloroethylene is classified as Hazardous Waste #F002 under the Department's Hazardous Waste Management Rules.

G. 1,1-Dichloroethane

1,1-Dichloroethane causes central nervous system depression, skin irritation, liver and kidney damage and is narcotic in high concentrations.

1,1-Dichloroethane is classified as Hazardous Waste #U076 under the Department's Hazardous Waste Management Rules.

H. 1,1- Dichloroethene

1,1-Dichloroethene has caused kidney tumors in mice. It is mutagenic and has caused adverse reproductive effects when administered to rats and rabbits by inhalation. Chronic exposure causes liver damage and acute exposure to high doses produces nervous system damage.

1,1- Dichloroethene is classified as Hazardous Waste #U078 under the Department's Hazardous Waste Management Rules.

I. Dichlorobenzenes (DCB)

Dichlorobenzene exposure in rats caused liver and kidney damage and changes in the hematopoietic system. In humans, DCB is a skin and eye irritant; inhalation exposure causes nausea and irritates the membranes.

Dichlorobenzenes are classified as Hazardous Waste #U070, #U071 and #U072 under the Department's Hazardous Waste Management Rules.

J. Methylene Chloride

Methylene chloride increased the incidence of lung and liver tumors and sarcomas in rats and mice. It was found to be mutagenic in bacterial test systems. In humans methylene chloride irritates the eyes, mucous membranes and skin. Exposure to high levels adversely affects the central and peripheral nervous systems and heart. In experimental animals, methylene chloride is reported to cause kidney and liver damage, convulsions and peresis.

Methylene chloride is classified as Hazardous Waste #F002 under the Department's Hazardous Waste Management Rules.

K. Aroclor 1248 (PCB)

PCB's are very persistent in the natural environment and are readily bioaccumulated. PCB's are potential human carcinogens and co-carcinogens. PCB's are toxic to humans and animals, particularly affecting the liver, gastrointestinal tract and nervous system. Reproductive and neurobiological effects of PCB's have been reported in rhesus monkeys at the lowest dose level tested.

PCB's are classified as Hazardous Waste #M002 under the Department's Hazardous Waste Management Rules.

L. Polynuclear Aromatic Hydrocarbons (PAH's)

PAH's are rather persistent in the environment. Some are carcinogenic both at the site of application and systemically. PAH's cause skin disorders and immunosuppression and adverse effects on the liver and kidney.

Of the PAH's found at the Hooper sands Road site, Benzo (a) anthracene, fluorene, acenaphthene and pyrene are listed as hazardous substances under the United States Comprehensive Environmental Resonse, Compensation and Liability Act of 1980. Benzo (a) Pyrene is listed under Hazardous Waste #U022 and Chrysene as #U05 under the Department's Hazardous Waste Management Rules.

M. 1,1,2 trichloro 1,2,2 trifluoroethane (Freon 113)

Freon 113 causes eye and skin irritation and has caused cardiac effects in lab animals.

1,1,2 trichloro 1,2,2 trifluoroethane is classified as Hazardous Waste #F002 under the Department's Hazardous Waste Management Rules.

N. Acetone

Acetone is considered to have low toxicity. Prolonged inhalation of high concentrations may produce irritation of the respiratory tract, coughing, headache, drowsiness, icoordination and in severe cases, coma.

Acetone is classified as Hazardous Waste #F003 under the Department's Hazardous Waste Management Rules.

O. Naphthalene

Inhalation of naphthalene vapors causes nausea, headache, and optic and kidney damage in humans and experimental animals. Exposure to high doses causes severe hemolytic effects.

Naphthalene is classified as Hazardous Waste #U165 under the Department's Hazardous Waste Management Rules/

P. Methyl Ethyl Ketone (MEK)

High doses of methyl ethyl ketone affect the central nervous system and irritate the eyes, mucous membranes and skin. MEK has caused teratogenic effects in experimental animals.

Methyl Ethyl Ketone is classified as Hazardous Waste #F002 under the Department's Hazardous Waste Management Rules.

Q. Arsenic

Arsenic is a human carcinogen which causes skin tumors when it is ingested and lung tumors when it is inhaled. Arsenic compounds are teratogenic and have adverse reproductive effects in animals. Chronic exposure to arsenic is associated with polyneuropathy and skin lesions. It is acutely toxic to some early life stages of aquatic organisms at levels as low as 40 ug/l.

Arsenic has been designated a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by the Federal Water Pollution Control Act, Section 307(a).

R. Lead

Exposure to lead can cause toxic effects in the brain and central nervous system, the peripheral nervous system, and the kidneys. Chronic exposure to lead by ingestion or inhalation can result in permanent brain damage. Exposure to relatively low levels of lead may cause permanent learning disabilities in children. There is evidence that some lead salts are carcinogenic, inducing kidney tumors in mice and rats. There is also evidence that lead may be a reproductive hazard.

Lead has been designated a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by the Federal Water Pollution Control Act, Section 307(a).

S. Cadmium

Cadmium is carcinogenic in animals exposed via ingestion. It has chronic effects on the kidney, and background levels of human exposure are thought to provide only a relatively small margin of safety for these effects.

Cadmium has been designated a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by the Federal Water Pollution Control Act, Section 307(a).

T. Nickel

Occupational exposure to nickel compounds has been associated with excess cancer of the lung and nasal cavity. Exposure to nickel compounds has caused carcinogenic effects in animals. Nickel and nickel compounds can cause sensitization dermatitis in humans. The chronic toxicity of nickel to aquatic organisms is high.

Nickel has been designated a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by the Federal Water Pollution Control Act, Section 307(a).

U. Selenium

Signs of chronic exposure to selenium in humans include dermatitis, neurobehavioral effects, gastrointestinal disturbances, dental caries and discoloration and partial loss of hair and nails. Inhalation of selenium irritates the eyes, nose and throat. Toxic effects observed in animals include degeneration of the liver, kidneys and myocardia; hemorrhages in the digestive tract; and brain damage.

Selenium has been designated a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) by the Federal Water Pollution Control Act, Section 307(a).

References for Paragraph 17 regarding characteristics:

Chemical, Physical and Biological Properties of Compounds Present at Hazardous Waste Sites, prepared for the U.S.EPA by Clement Associates Inc., Arlington, Virginia, September 27, 1985.

NIOSH Pocket Guide to Chemical Hazards, DHHS Publication Number 85-114, September 1987.

The Condensed Chemical Dictionary, Tenth Ed., 1981.

The Merck Index, 10th Ed., Merck & Co, Rahway, N.J., 1983.

Contaminated Drinking Water and Your Health, W.L. Lappenbusch, 1986.

18. Hazardous Substances are defined by 38 M.R.S.A., Section 1362 (1) as:
 - A. Any substance identified by the Board of Environmental Protection under Section 1319-0 [hazardous wastes];
 - B. Any substance identified by the Board under Section 1319 [hazardous matter];

- C. Any substance designated pursuant to the United States Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, Sections 101 and 102 (Superfund);
 - D. Any toxic pollutant listed under the United States Federal Water Pollution Control Act, Section 307 (a);
 - E. Any hazardous air pollutant listed under the United States Clean Air Act, Section 112;
 - F. Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to the United States Toxic Substance Control Act, Section 7; and
 - G. Waste Oil as defined in Section 1303.
19. The substances listed in Paragraph 17, subparagraphs A through U have been designated as hazardous wastes by the Board of Environmental Protection pursuant to 38 M.R.S.A. Section 1319-0, or as hazardous substances under the U.S. Comprehensive Environmental Response Compensation and Liability Act of 1980 (Superfund). They are accordingly, hazardous substances within the meaning of 38 M.R.S.A. Section 1362. These substances are being, or have been, stored, spilled, or disposed of at the Site in such a manner that they have been or are being released into the soil and groundwater.
20. Responsible parties are defined under 38 M.R.S.A. , Section 1362 as one or more of the following:
- A. The owner or operator of the uncontrolled site;
 - B. Any person who owned or operated the uncontrolled site from the time any hazardous substance arrived there;
 - C. Any person who arranged for the transport or handling of a hazardous substance, provided that the hazardous substance arrived at the uncontrolled site; and
 - D. Any person who accepted a hazardous substance for transport, provided that the substance arrived at the uncontrolled site.

CONCLUSIONS

Based on the above Findings of Fact, the Commissioner concludes the following:

1. Hazardous substances, as defined in 38 M.R.S.A., Section 1362, have been handled and disposed of by Paul Hussey Sr. at the Hooper Sands Road Site.
2. Hazardous substances, as defined in 38 M.R.S.A., Section 1362, were generated and arrangements were made for transport to the Hooper Sands Road Site by the Portsmouth Naval Shipyard.

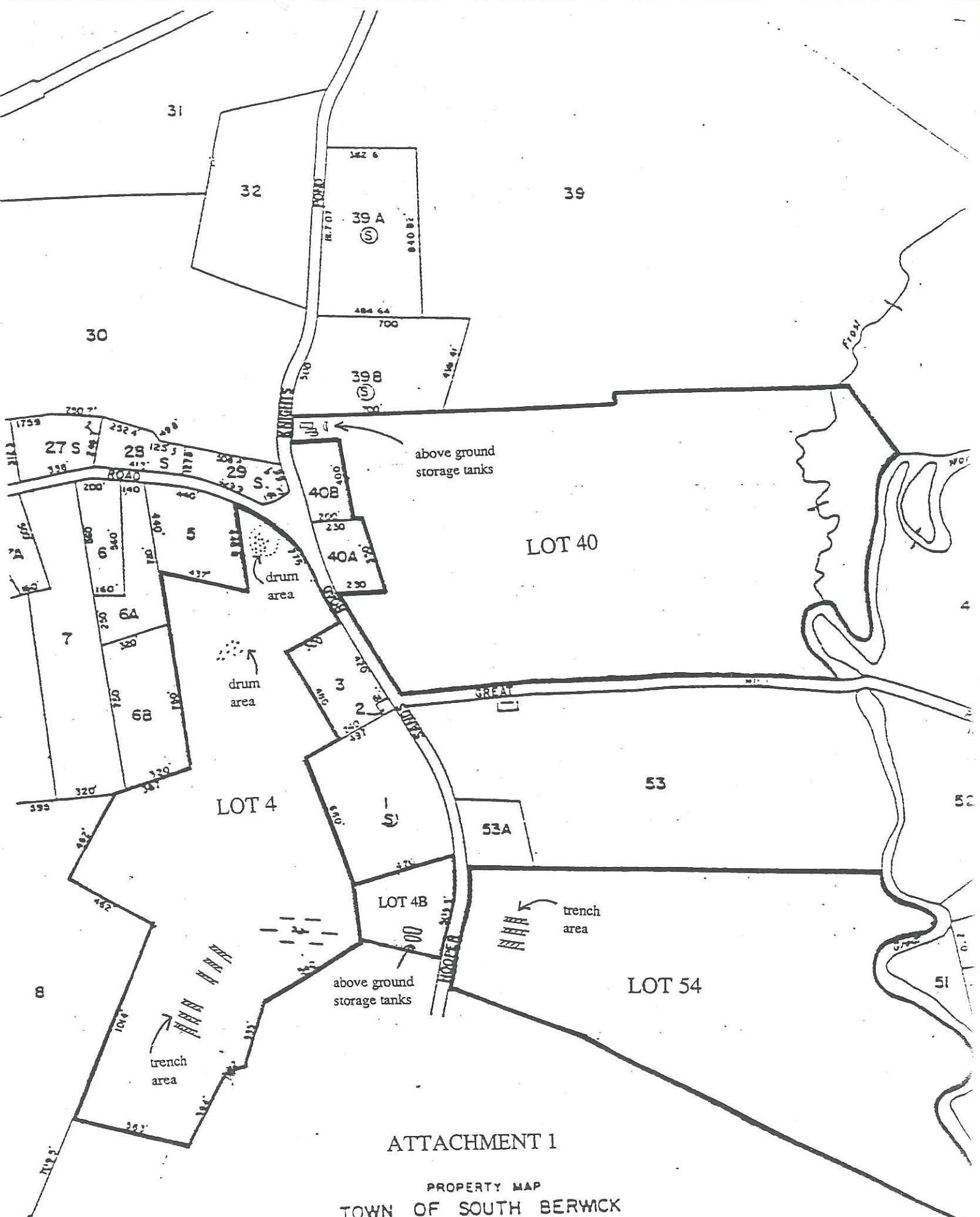
3. Hazardous substances handled or disposed of at the Hooper Sands Road Site create a danger to the public health and safety of any person or to the environment.
4. Continued danger to the public health or safety of any person or to the environment exists as a result of the continued presence of hazardous substances at the site, in the groundwater beneath and adjacent to the Site and the proximity of the Site to numerous residential properties along Hooper Sands Road, including private drinking water supplies.
5. The U.S. Department of the Navy and Paul Hussey Sr. are responsible parties as defined in 38 M.R.S.A. Section 1362.
6. Remedial action is necessary to abate the threat, danger or hazard to public health or safety and to the environment posed by the Site.

THEREFORE, pursuant to 38 M.R.S.A. Section 1365 the Commissioner hereby DESIGNATES the Hooper Sands Road Site in South Berwick, Maine as an Uncontrolled Hazardous Substance Site.

DONE AND DATED AT AUGUSTA, MAINE THIS 12th DAY
OF January, 1993.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Dean C. Marriott
Dean C. Marriott, Commissioner



ATTACHMENT 1

PROPERTY MAP
TOWN OF SOUTH BERWICK
YORK COUNTY, MAINE
prepared by

JAMES W. SEWALL COMPANY, OLD TOWN, MAINE